



U.S. Department of Justice

Civil Division

Washington, DC 20530

Via E-mail

August 8, 2019

Mr. Taylor Scott
77696-90284017@requests.muckrock.com

Request No. 145-FOI-16883
HDK

Dear Mr. Scott:

This letter acknowledges that on August 8, 2019 the Civil Division received your Freedom of Information Act (FOIA) requests in which you requested emails sent to, from or copied to Sarah Fabian.

We have determined that your requests should be aggregated for fee purposes. The Department of Justice regulations provide for the aggregation of requests where "a component reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees. . . ." 28 C.F.R. § 16.10(h) (2016). In this instance, all three of your requests seek records concerning Sarah Fabian.

The records you seek require a search in another Office in the Division, and so your request presents "unusual circumstances" under the FOIA. *See* 5 U.S.C. § 552(a)(6)(B)(iii)(I). Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. We have not completed a search to determine whether there are records within the scope of your request. The time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time your request has been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We have determined that you are a non-media, non-commercial requester pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(III). As a non-media, non-commercial requester, you are entitled to two free hours of search time and up to one hundred pages of duplication without charge. *See* 28 C.F.R. § 16.10(d)(4). Any search time spent by professional staff beyond the two free hours will be charged \$40.00 per hour and duplication will be \$0.05 per page. *See id.* § 16.10(c)(1)(ii),

(c)(2), and (c)(3). You may review the Department of Justice regulations which establish the fees charged for processing FOIA requests at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title28-vol1/pdf/CFR-2017-title28-vol1-sec16-10.pdf>. Please be advised that the Department of Justice regulations allow us to charge for search time even if we do not locate any responsive records or if we determine that the records are exempt from disclosure. *See id.* § 16.10(c)(1)(i).

If you disagree with this determination, you are welcome to provide any additional information that would demonstrate that you should not be considered an “other” requester.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at 202-514-2319 or you may write to me at the FOIA, Records, and E-Discovery Office, Civil Division, Department of Justice, Room 8314, 1100 L Street NW, Washington, DC 20530. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Hirsh D. Kravitz", written in a cursive style.

Hirsh D. Kravitz
Senior Supervisory FOIA Counsel
FOIA, Records, and E-Discovery Office